

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.4757 OF 1998

Between:

M.Shyamala and another

.....Petitioners

Vs.

The Government of A.P., represented by its Secretary,
Cooperation Department, Secretariat, Hyderabad and four others.

.....Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.4757 OF 1998

ORDER:

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This writ petition is filed for a writ of Mandamus to declare the action of respondent No.4 in issuing proceedings, dated 07.07.1997, whereunder he threatened the Managing Committee of respondent No.5-Society with action under Section 21 (AA) of the Andhra Pradesh Co-operative Societies Act, 1964 and the consequential action of respondent No.5 in issuing proceedings for termination of the petitioners vide its notice, dated 25.01.1998 as highly illegal, arbitrary and without jurisdiction.

Though the writ petition was adjourned on 27.06.2007 and on 29.08.2007, at the request of the learned counsel appearing for the petitioners, the learned counsel is not ready to argue the case today.

I have gone through the record.

In the counter affidavit filed by Sri P.Chinnaiah, Divisional Co-operative Officer-R4 it is *inter alia*, averred that before appointing the petitioners, respondent No.5-Society has not taken any prior

permission from the competent authority as required under Section 116 (C) (1) (2) of the APCS Act and therefore, respondent No.4 issued a notice, dated 07.07.1997 directing the President of respondent No.5-Society to take action for removal of the petitioners. It is further stated that respondent No.5-Society submitted a report on 29.04.1998, wherein it was stated that the President of the Society vide his proceedings, dated 19.04.1998, removed the petitioners with effect from 20.04.1998.

In view of the afore mentioned averments made in the counter affidavit, which show that the petitioners were removed on 19.04.1998 i.e., after filing of this writ petition, the cause in the writ petition does not survive for consideration.

The writ petition is, therefore, dismissed. No order as to costs.

C.V.NAGARJUNA REDDY J.,

Dt.27.09.2007

tjs